

**Department of Community Planning and Economic Development – Planning Division**  
Variances and Preliminary and Final Subdivision Application  
BZZ-2811 & PL-192

**Date:** February 21, 2006

**Applicant:** Jim Crawford

**Address of Property:** 2705 Pierce Street NE and 1309 27<sup>th</sup> Avenue NE

**Project Name:** Prayer of Jabez Addition

**Contact Person and Phone:** Jim Crawford 612-781-4007

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** January 13, 2006

**End of 60-Day Decision Period:** March 14, 2006

**Ward:** 1      **Neighborhood Organization:** Audubon Park

**Existing Zoning:** R1A Single-family

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 6

**Legal Description:** See survey.

**Proposed/Existing Use:** Replatting of two lots into three lots. The northerly lot contains a duplex. And the southerly lot contains two single family homes. The proposed Lot 1 will be 4,283 square feet and will contain a single-family home. The proposed Lot 2 will be 4,000 square feet and will contain a single-family home. The proposed Lot 3 will be 5,721 square feet and will contain a duplex.

**Concurrent Review:**

- Variance:** To reduce the required lot area of Lot 1 from 5,000 square feet to 4,283 square feet.
- Variance:** To reduce the required lot area of Lot 2 from 5,000 square feet to 4,000 square feet.
- Variance:** To reduce the required lot width of Lot 1 from 40 feet to 38.63 feet.
- Variance:** To reduce the required parking for the duplex on Lot 3 from 2 spaces to zero spaces.
- Preliminary and Final Plat Subdivision:** To replat two lots into three lots.

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**Applicable Code Provisions:** Chapter 525, Article IX, Variances, Specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...” and Section 525.520(7) “to reduce the applicable parking requirements up to one hundred (100) percent...” Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey. The applicant proposes no changes to the existing conditions at this time. The purpose of the subdivision is to create individual lots for the existing structures.

**Background:** The applicant proposes replatting of two lots into three lots. The northerly at 2705 Pierce Street NE lot contains a legally nonconforming duplex addressed as 2705/2707 Pierce Street NE. The southerly lot contains two single family homes. One is addressed as 1305 227<sup>th</sup> Avenue and has a storefront that is listed as 2701 Pierce Street NE. Staff can find no record of nonconforming rights to the storefront and the applicant has not filed for nonconforming rights. The other single-family home is addressed as 1309 27<sup>th</sup> Avenue NE.

The proposed Lot 1 will be 4,283 square feet and will contain a single-family home. The proposed Lot 2 will be 4,000 square feet and will contain a single-family home. The proposed Lot 3 will be 5,721 square feet and will contain a duplex. Two of the lots (1305 and 1309 27<sup>th</sup> Avenue NE) will need a variance from the minimum required lot area of 5,000 square feet in the R1A District and one will require a variance from the required 40 feet of frontage to 38.63 feet. In addition, the replatting will move the lot lines in such a way that the garage that is at the rear of the duplex at 2705 Pierce will now be on the lot created for 1309 27<sup>th</sup> Avenue NE. This necessitates a variance for 2705 Pierce to reduce the required parking from two spaces to zero spaces (1309 will go from zero spaces to two spaces and is required to have one space).

The site does have some housing orders against it, but inspections staff will have to reinspect the site to make sure that the issues have been resolved. All housing and zoning code violations at the site are required to be remedied.

The City Attorney is reviewing the final plat title documents. If they are approved by the date of the Planning Commission meeting, then the final plat may be approved.

**VARIANCE (to reduce the required lot area and width)**

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The property consists of two platted lots that are being replatted into three new lots that meet all of the requirements of the R1A District, except that two of the new lots (Lot 1 and Lot 2) will be short of the required minimum 5,000 square feet of lot area and one lot (Lot 1) will be short of the minimum required lot width of 40 feet. Lot 1 (1309 27<sup>th</sup> Avenue NE) requires a variance from 5,000 square feet to

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4,283 square feet and Lot 2 (1305 27<sup>th</sup> Avenue NE) requires a variance from 5,000 square feet to 4,000 square feet and from 40 feet of frontage to 38.63 feet.

Without the variance the applicant would not be able to create individual lots for each of the structures that are reasonable close to the code requirements for lot area and the size to the other lots in the area. The only other alternative that does not require variances would be to have two structures on one lot. This could be considered a hardship. The requested variance will allow a reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site consists of two platted lots that meet the requirement of the R1A District, but with two lots parcel under the required minimum lot area. The lot lines were drawn in there proposed location to be as close as possible to the R1A District requirements for lot area and width while also making sure that the structures meet the required district setbacks. The site has two lots with three legally nonconforming structures. This is a condition that is not generally applicable to other properties in the area.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of minimum lot area requirements is to provide a reasonable size lot that that allows for adequate room for the principal and accessory structures, sidewalks and drives, and yards. The applicant has drawn the survey to make the lots meet the district requirements as closely as possible. While the site will have smaller lots and little room for parking, theses conditions already exist at the site, so granting this variance should not circumvent the intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance should have no effect on congestion, as it will not increase traffic demand at the site. Two single-family homes and a duplex already exist at the site. The variance should not be detrimental to the public welfare or safety and will not increase the danger of fire.

**VARIANCE (to reduce the required parking)**

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Two parking spaces are required for the duplex and one space is required for each of the single-family homes on the southern lot. The duplex currently has a two-car garage and the two single-family homes have a small one-car parking pad to the rear of the houses. By rearranging the lot lines, the garage will be transferred from the duplex at 2705 Pierce Street NE to the single-family home to the south at 1309 27<sup>th</sup> Avenue NE.

The site is too small to provide an additional parking space for three structures. The duplex will go from two spaces to zero spaces one of the single-family homes will go from one space to two spaces. While this could be considered a reasonable use of the property, staff does not believe there is a hardship as parking could be provided for the duplex if the lots are not replatted. It is the desire to replat the lots that creates the hardship.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

A site with three structures on two lots is not a condition generally applicable to the R1A District.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of the ordinance is to provide minimum parking standards to reduce congestion in the public streets. However, standardized parking formulas do not always recognize existing conditions. The site is small and it would not be possible to provide parking for all of the uses on the site. The applicant is trying to legalize a condition that has existed at the site for many years. Granting the variance should not circumvent the intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The elimination of two parking spaces may increase the congestion in the public streets or be detrimental to the public welfare. It should not increase the danger of fire.

### **PRELIMINARY AND FINAL PLAT SUBDIVISION**

#### **Required Findings:**

- 1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

Both parcels will be in conformance with the requirements of the subdivision ordinance and comprehensive plan. Both will be in conformance with the requirements of the zoning code with the exception of lot area for Lots 1 and 2, lot width for Lot 1, and parking for Lot 3. The applicant has applied for variances for these items. Staff is recommending approval of the lot area and width variances and denial of the parking variance.

While staff is recommending approval of the lot area and width variances, and while the platting meets the technical requirements of the subdivision ordinance, staff believes that that the change in platting that eliminates parking and alley access for the duplex could have detrimental effects on surrounding properties by shifting more parking onto the public streets. For the duplex property, it is taking a nonconforming situation and making it more nonconforming.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will create three lots out of two lots with existing buildings. No new development is proposed. The plat will remove alley access and parking for the northerly lot, which would be different than most of the other properties in the area and could lead to congestion in the public streets.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

The structures are existing and the site does not present the above noted hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

No change to the grading is proposed and access is existing. The duplex on Lot 3 will lose its access to the alley. This subdivision, while creating lots for the individual structures will eliminate alley access and parking for the duplex, the one property of the three that arguably needs it the most.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

Existing utility and drainage provisions are adequate for the existing structures.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department – Planning Division for a lot area variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum required lot size for Lot 1 from 5,000 square feet to 4,283 square feet for property at 1309 27<sup>th</sup> Avenue NE subject to the following condition:

- 1) Approval of the preliminary and final subdivision plats by February 21, 2007.

#### **Recommendation of the Community Planning and Economic Development Department – Planning Division for a lot area variance:**

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum required lot size for Lot 2 from 5,000 square feet to 4,000 square feet for property at 1305 27<sup>th</sup> Avenue NE subject to the following condition:

- 1) Approval of the preliminary and final subdivision plats by February 21, 2007.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the lot width variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum required lot width for Lot 1 from 40 feet to 38.63 feet for property at 1309 27<sup>th</sup> Avenue NE subject to the following condition:

- 1) Approval of the preliminary and final subdivision plats by February 21, 2007.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the parking variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the minimum required parking for Lot 3 from 2 spaces to zero spaces for property at 2705 Pierce Street NE.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the preliminary and final plat subdivision:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the preliminary and final plat subdivision application for properties located at 2705 Pierce Street NE and 1309 (1305) 27<sup>th</sup> Avenue NE.

**Attachments:**

- 1) Statement from applicant.
- 2) Zoning map.
- 3) Hennepin County map.
- 4) Preliminary and final plat.
- 5) Photos.